

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/792,270	03/04/2004	Frank Oldorff	03100142US	4233	
7055	7590 03/27/2006	EXAMINER			
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE			KILIMAN,	KILIMAN, LESZEK B	
RESTON, VA			ART UNIT	PAPER NUMBER	
,			1773		

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

 					
Office Action Summary		Application No.	Applicant(s)		
		10/792,270	OLDORFF, FRANK		
		Examiner	Art Unit		
		leszek b. kiliman	1773		
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the c	orrespondence address		
WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DANSIONS of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Operiod for reply is specified above, the maximum statutory period we are to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from 1, cause the application to become ABANDONE	1. lely filed the mailing date of this communication. 0 (35 U.S.C. § 133).		
Status					
1)□ 2a)□ 3)□	Responsive to communication(s) filed on This action is FINAL . 2b) This Since this application is in condition for allowar closed in accordance with the practice under <i>E</i>	action is non-final. nce except for formal matters, pro			
Dispositi	ion of Claims				
5)□ 6)□ 7)□ 8)⊠ Applicati 9)□ 10)□	Claim(s) 1-25 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) 1-25 are subject to restriction and/or example of the specification is objected to by the Examiner The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the oreginal or declaration is objected to by the Example of the oath or declaration is objected to be objected	election requirement. r. epted or b) objected to by the Edrawing(s) be held in abeyance. See ion is required if the drawing(s) is objected to by the drawing(s) is objected to by the body and the drawing(s) is objected to by the drawing(s).	37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).		
Priority u	ınder 35 U.S.C. § 119				
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
2) 🔲 Notice 3) 🔲 Inforn	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) No(s)/Mail Date	4) Interview Summary (Paper No(s)/Mail Da 5) Notice of Informal Pa 6) Other:			

Application/Control Number: 10/792,270

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-14, drawn to a process, classified in class 427, subclass 325.
- II. Claims 15-25, drawn to an article, classified in class 428, subclass 537.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions Group I and Group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process as claimed can be used to make another and materially different product that is not wood based.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Page 3

A telephone call was made to Mr. A. M. Calderon on 03-14-06 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37) CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to leszek b. kiliman whose telephone number is 571-272-1509. The examiner can normally be reached on M-T, 6.30-5.00.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Occor)

lk